



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/530,334	06/10/2000	STEFAN ROVER	18645-00023	6673

7590 06/12/2007
ARMSTRONG TEASDALE LLP
ATTN: John S. Beulick
One Metropolitan Square
Suite 2600
St. Louis, MO 63102

EXAMINER

NGUYEN, MINH DIEU T

ART UNIT	PAPER NUMBER
----------	--------------

2137

MAIL DATE	DELIVERY MODE
-----------	---------------

06/12/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/530,334

Applicant(s)

ROVER ET AL.

Examiner

Minh Dieu Nguyen

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-40 and 46-48 is/are pending in the application.
- 4a) Of the above claim(s) 1-12 and 41-45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-40 and 46-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>3/29/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to the communication dated 3/29/2007 with the amendments to claims 13, 21 and 34 and the cancellation of claims 1-12 and 41-45.
2. Claims 13-40 and 46-48 are pending.

Response to Arguments

3. Applicant's arguments filed 3/29/2007 have been fully considered but they are not persuasive. The applicant argues that Jonstromer discloses an electronic signature and encryption using public keys, but Jonstromer does not describe the signing of a message via a mobile telephone. The examiner respectfully disagrees, Jonstromer discloses a smart card is configured for use as an electronic wallet, as such, smart card can store electronic credits which can be transferred electronically from a payer to a payee, (see Jonstromer: col. 1, lines 10-13; col. 3, lines 7-8) and smart card is also configured for use as a mobile phone SIM, a SIM carries a variety of information about a mobile telephone subscriber and the service he/she is entitled to access. SIMs include encryption algorithms and keys where the encryption employed frequently involves the use of asymmetric ciphers, which enable both secure encryption and the use of secure electronic signatures (see Jonstromer: col. 1, lines 28-44). Electronic signatures are a broad term that refer to any electronic data that carries the intent of a signature and are used to provide authentication of associated input, usually called a "message". So Jonstromer does disclose signing of a message via a mobile phone, because the signed

message (i.e. electronic signature of a message) signifying a user's intent to deliver the signed message as claimed.

Applicant argues that Jonstromer does not describe transmitting a message to be signed as recited in claims 13, 22 and 34. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant argues that Falk does not describe transmitting a message to be signed to a first receiver and the response to the challenge is not properly construed as being a signed message. The examiner respectfully disagrees, Falk discloses transmitting a message to be signed to a first receiver (i.e. transmitting user's account number from a user's radio telephone terminal to a bank, see Falk: Fig. 1, element 22; col. 3, lines 9-14; col. 7, lines 30-31). The bank then transmits a challenge code to a personal unit associated with user's radio telephone terminal, wherein the challenge code is unique to a given transaction, so it directly ties to user's account number in a given transaction. The personal unit includes an algorithm unit which calculates a response code based on the received challenge code (i.e. the algorithm unit calculates a response code based on the received challenge code, the user input (e.g. PIN) and optionally the secret key, see Falk: col. 4, lines 62-64; col. 5, lines 45-47). The meaning of the expression digital signature for the purpose of the invention is clearly disclosed by

Art Unit: 2137

Falk, as such the response to the challenge is properly construed as being a signed message.

In response to applicant's argument that there is no suggestion to combine the references (i.e. Jonstromer and Falk), the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Jonstromer teaches an electronic transaction system for conducting electronic financial transactions and Falk discloses an effective authentication method for accessing electronic services such as banking services, credit card services, ATM services, etc. (see Falk: col. 1, lines 10-15). So it is proper to combine the references to securely conducting electronic services.

Applicant argues that Jonstromer and Falk appear to teach away from one another. The examiner respectfully disagrees, Jonstromer discloses electronic wallet using smart card and mobile phone operating in combination with encryption and electronic signature while Falk also discloses authentication users using personal unit and mobile phone in combination with challenge and response codes. They all are related in providing a secure transaction systems and do not teach away from one another.

Information Disclosure Statement

4. The information disclosure statement filed 11/15/2006 and 3/29/2007 have been placed in the application file except item FD (dated 11/15/06) is not provided and the information referred to therein has been considered as to the merits.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 13-40 and 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jonstromer (6,142,369) in view of Falk et al. (5,668,876).

a) As to claim 13, Jonstromer discloses a method for digital signing of a message (e.g. electronic credits) which is transmitted via a communication network to a signing unit (see Jonstromer: col. 1, lines 7-44) comprising signing the message to be signed via the mobile radio telephone (i.e. smart card is configured for use as an electronic wallet and as a mobile phone SIM, see Jonstromer: col. 3, lines 7-8, smart card can store electronic credits, representing money, which can be transferred by electronic means from a payer, the owner of the smart card, to a payee, see Jonstromer: col. 1, lines 10-13), thereby forming a signed message, the signed message signifying a user's intent to deliver the signed message and its content (i.e. a smart card can be used to control fund transfer from one bank account to another by

having the payer enters details of his own bank account and his bank's address, (this information may be pre-stored on the smart card), the amount of money to be transferred and the payee's bank account number. This information is used to formulate a signal containing payer's bank account, payer's electronic signature, payee's bank account and the amount to be transferred, see Jonstromer: col. 6, lines 14-34, the payer's electronic signature including in the signal indicates the message is signed); transmitting the message to at least one of the first receiver or at least one other receiver (i.e. transmitting a signal indicating the amount to be transferred, the address of the payee, the account number and an electronic signature of the payer to an electronic banking terminal at the bank, see Jonstromer: col. 6, lines 35-36) and communicating the message to an addressee (i.e. transmitting a signal to the payee's till indicating the amount transferred and the identity of the payer, see Jonstromer: col. 6, lines 39-41). However, Jonstromer is silent on transmitting from a transmitter a message to be signed to a first receiver and transmitting the message to be signed from the first receiver via a telephone network to a mobile radio telephone, the telephone network comprising a mobile radio telephone network.

Falk is relied on for the teaching of transmitting from a transmitter a message to be signed to a first receiver (e.g. transmitting user's account number from a user's radio telephone terminal (see Falk: Fig. 1, element 22; col. 3, lines 9-14) to a bank, see Falk: col. 7, lines 30-31) and transmitting the message to be signed from the receiver via a telephone network to a mobile radio telephone, the telephone network comprising a mobile radio telephone network (i.e. the bank transmits a challenge code (i.e. the

Art Unit: 2137

challenge code is unique to a given transaction, see Falk: col. 4, lines 46-48, so it directly ties to user's account number in a given transaction) to a personal unit associated with user's radio telephone terminal (i.e. see Falk: Fig. 1, element 20; the personal unit can be used with a radio telephone without any modification or customization, see Falk: col. 2, lines 22-26, the personal unit includes an algorithm unit, see Falk: Fig. 2, element 21b, which calculates a response code based on the received challenge code, see Falk: col. 4, lines 62-64, the response code is unique to a given transaction and is used to authorize service to user).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of transmitting from a transmitter a message to be signed to a first receiver and transmitting the message to be signed from the receiver via a telephone network to a mobile radio telephone, the telephone network comprising a mobile radio telephone network in the system of Jonstromer, as Falk teaches, so as to provide a secure electronic services such as banking services (see Falk: col. 1, lines 10-15).

b) As to claim 14, the combination of Jonstromer and Falk discloses the method of claim 13, wherein a public key process is used for signing (i.e. SIM, in the form of chipcard, includes encryption algorithm and keys, the encryption involves the use of asymmetric ciphers, public and private key pair, which enable both secure encryption (i.e. one key is used for encryption and the other key is used for decryption) and the use of secure electronic signatures (i.e. one key is used for signing and the other key is used for verifying), see Jonstromer: col. 1, lines 28-44; col. 4, lines 47-52),

Art Unit: 2137

particularly a public-key process in which said signing unit has an associated secret key (see Jonstromer, col. 4, lines 37-41) and, in particular, the receiver has a corresponding public key so that the signed message transmitted to the receiver can, optionally, be compared with the original message and identified as authentic (see Jonstromer, col. 6, lines 36-41).

c) As to claim 15, the combination of Jonstromer and Falk discloses the method of claim 13, wherein the message to be signed is transmitted between the receiver and the mobile radio telephone by means of a short-message service (SMS) (i.e. Jonstromer discloses transmission over GSM system, see Jonstromer: col. 1, lines 39-41, in GSM standard, SMS is a service for sending short messages (up to 160 characters) to mobile phones).

d) As to claim 16, the combination of Jonstromer and Falk discloses the method of claim 13, wherein, prior to signing, the message to be signed is displayed by means of a display provided in the mobile radio telephone (see Jonstromer: Fig. 1, element 6).

e) As to claim 17, the combination of Jonstromer and Falk discloses the method of claim 14, wherein the secret key required for signing is inputted via keyboard on the mobile radio telephone (see Jonstromer: col. 6, lines 18-34).

f) As to claim 18, the combination of Jonstromer and Falk discloses the method of claim 14, wherein the secret key required for signing is stored on a chip card of the mobile radio telephone, the secret key being activated by a personal identification number (PIN) adapted to be inputted via a keyboard on the mobile radio telephone (i.e.

asymmetric ciphers in SIM, a form of chipcard, of a mobile phone includes secret key for signing, SIM is activated by user entering his PIN, see Jonstromer: col. 1, lines 28-44).

g) As to claim 19, the combination of Jonstromer and Falk discloses the method of claim 18, wherein the chipcard performs said signing step (i.e. SIM carries variety of information about a mobile telephone subscriber and the service he is entitled to access, SIM includes encryption algorithms and keys and the encryption employed frequently involves the use of asymmetric ciphers, which enable both secure encryption and the use of secure electronic signatures, i.e. digital signing, see Jonstromer: col. 1, lines 28-44).

h) As to claim 20, the combination of Jonstromer and Falk discloses the method of claim 18, wherein the mobile radio telephone performs the signing step and wherein the secret key is read from the chip card (i.e. SIM carries variety of information about a mobile telephone subscriber and the service he is entitled to access, SIM includes encryption algorithms and keys and the encryption employed frequently involves the use of asymmetric ciphers, i.e. public and private key pair, which enable both secure encryption and the use of secure electronic signatures, i.e. digital signing where private key is used for signing and public key is used for verifying, see Jonstromer: col. 1, lines 28-44).

i) As to claim 21, the limitation of this claim is addressed in claim 13 above.

j) As to claim 22, Jonstromer discloses a method for digitally signing, by means of a signing apparatus, a message (e.g. electronic credits) to be transmitted to a

Art Unit: 2137

receiving device (see Jonstromer: col. 1, lines 7-44), characterized in that the message is then signed in the signing apparatus (i.e. the message is signed by the payer and the signed message contains in a signal including payer's bank account, payer's electronic signature, payee's bank account and the amount to be transferred (see Jonstromer: col. 6, lines 30-34). Jonstromer is silent of the capability of the message to be signed is transmitted from a transmitting device to a receiving device, this message is then transmitted from the receiving device via a telephone network to a signing apparatus associated with the transmitting device and transmitted back to the receiving device as a signed message. Falk is relied on for the teaching of the message to be signed is transmitted from a transmitting device to a receiving device (e.g. transmitting user's account number from a user's radio telephone terminal (see Falk: Fig. 1, element 22; col. 3, lines 9-14) to a bank, see Falk: col. 7, lines 30-31), this message is then transmitted from the receiving device via a telephone network to a signing apparatus associated with the transmitting device (i.e. the bank transmits a challenge code (i.e. the challenge code is unique to a given transaction, see Falk: col. 4, lines 46-48, so it directly ties to user's account number in a given transaction) to a personal unit associated with user's radio telephone terminal (i.e. see Falk: Fig. 1, element 20; the personal unit can be used with a radio telephone without any modification or customization, see Falk: col. 2, lines 22-26, the personal unit includes an algorithm unit, see Falk: Fig. 2, element 21b, which calculates a response code based on the received challenge code, see Falk: col. 4, lines 62-64, the response code is unique to a given transaction and is used to authorize service to user) and transmitted back to the

Art Unit: 2137

receiving device as a signed message (i.e. the response code is sent back to the service node (e.g. bank, see Falk: Fig. 1, element 26), the signed message issue is addressed by Jonstromer). It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of the message to be signed is transmitted from a transmitting device to a receiving device, this message is then transmitted from the receiving device via a telephone network to a signing apparatus associated with the transmitting device in the system of Jonstromer, as Falk teaches, so as to provide a secure electronic services such as banking services (see Falk: col. 1, lines 10-15).

k) As to claim 23, the limitation of this claim is similar to claim 19, a chipcard is part of the mobile telephone, therefore it is rejected by a similar rationale applied against claim 19 above.

l) As to claim 24, the combination of Jonstromer and Falk discloses the method according to claim 23, wherein the telephone network is a mobile telephone network (see Jonstromer: col. 4, lines 15-16).

m) As to claim 25, the limitation of this claim is similar to claim 14, therefore it is rejected by a similar rationale applied against claim 14 above.

n) As to claim 26, the limitation of this claim is similar to claim 15, therefore it is rejected by a similar rationale applied against claim 15 above.

o) As to claim 27, the limitation of this claim is similar to claim 16, therefore it is rejected by a similar rationale applied against claim 16 above.

p) As to claim 28, the limitation of this claim is similar to claim 17, therefore it is rejected by a similar rationale applied against claim 17 above.

q) As to claim 29, the limitation of this claim is similar to claim 18, therefore it is rejected by a similar rationale applied against claim 18 above.

r) As to claim 30, the limitation of this claim is similar to claim 19, therefore it is rejected by a similar rationale applied against claim 19 above.

s) As to claim 31, the limitation of this claim is similar to claim 20, therefore it is rejected by a similar rationale applied against claim 20 above.

t) As to claim 32, the combination of Jonstromer and Falk discloses the method according to claim 22, wherein the signing apparatus serves in addition as a transmittor to transmit the signed message to the receiving device (see Jonstromer: col. 3, lines 50-53).

u) As to claim 33, Jonstromer discloses a chip card for a mobile telephone (i.e. mobile phone use SIM, subscriber information module, which are in the form of smart card. SIM carries mobile telephone subscriber and the service one is entitled to access, SIM includes encryption algorithms and keys, see Jonstromer: col. 1, lines 29-34), wherein the chipcard incorporates a signing device which has a memory unit for storing a private key necessary for producing a signed message (i.e. asymmetric ciphers enable secure encryption and the use of secure electronic signatures, see Jonstromer: col. 1, lines 41-44), characterized in that the signing device generates the signed message (i.e. the signed message contains in a signal including payer's bank account, payer's electronic signature, payee's bank account and the amount to be transferred (see Jonstromer: col. 6, lines 30-34). Jonstromer is silent on having the message to be signed which is received by the mobile telephone via a telephone

Art Unit: 2137

network. Falk is relied on for the teaching of having the message to be signed which is received by the mobile telephone via a telephone network (i.e. the bank transmits a challenge code (i.e. the challenge code is unique to a given transaction, see Falk: col. 4, lines 46-48, so it directly ties to user's account number in a given transaction) to a personal unit associated with user's radio telephone terminal (i.e. see Falk: Fig. 1, element 20; the personal unit can be used with a radio telephone without any modification or customization, see Falk: col. 2, lines 22-26, the personal unit includes an algorithm unit, see Falk: Fig. 2, element 21b, which calculates a response code based on the received challenge code, see Falk: col. 4, lines 62-64, the response code is unique to a given transaction and is used to authorize service to user). It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of having the message to be signed which is received by the mobile telephone via a telephone network in the system of Jonstromer, as Falk teaches, so as to provide a secure electronic services such as banking services (see Falk: col. 1, lines 10-15).

v) As to claim 34, the limitations of this claim are similar to those of claim 13, therefore it is rejected by a similar rationale applied against claim 13 above.

w) As to claim 35, the limitation of this claim is similar to claim 14, therefore it is rejected by a similar rationale applied against claim 14 above.

x) As to claim 36, the limitation of this claim is similar to claim 15, therefore it is rejected by a similar rationale applied against claim 15 above.

y) As to claim 37, the limitations in this claim are part of claim 34 and are rejected by a similar rationale applied against claim 34 above.

z) As to claim 38, the limitations in this claim are part of claim 34 and are rejected by a similar rationale applied against claim 34 above.

aa) As to claim 39, Jonstromer discloses a method comprising the user using the mobile radio telephone to generate a signed message corresponding to the received message (i.e. the signed message contains in a signal including payer's bank account, payer's electronic signature, payee's bank account and the amount to be transferred (see Jonstromer: col. 6, lines 30-34) and the user initiating transmission of the signed message via the use of the mobile radio telephone into the telephone network so as to communicate the signed message to an addressee (i.e. the communications module transmit a signal indicating the amount to be transferred, the address of the payee, the account number and an electronic signature of the payer to an electronic banking terminal at the bank, see Jonstromer: col. 3, lines 50-53). Jonstromer is silent on the capability of having a mobile radio telephone user receiving a message from a telephone network. Falk is relied on for the teaching of having a mobile radio telephone user receiving a message from a telephone network (i.e. the bank transmits a challenge code (i.e. the challenge code is unique to a given transaction, see Falk: col. 4, lines 46-48, so it directly ties to user's account number in a given transaction) to a personal unit associated with user's radio telephone terminal (i.e. see Falk: Fig. 1, element 20; the personal unit can be used with a radio telephone without any modification or customization, see Falk: col. 2, lines 22-26, the personal unit includes an algorithm unit, see Falk: Fig. 2, element 21b, which calculates a response code based on the received challenge code, see Falk: col. 4, lines 62-64, the response code is unique to a given

Art Unit: 2137

transaction and is used to authorize service to user). It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of having the message to be signed which is received by the mobile telephone via a telephone network in the system of Jonstromer, as Falk teaches, so as to provide a secure electronic services such as banking services (see Falk: col. 1, lines 10-15).

ab) As to claim 40, the limitation of this claim is similar to claim 14, therefore it is rejected by a similar rationale applied against claim 14 above.

ac) As to claim 46, Jonstromer discloses a wireless device for receiving a message to be signed and transmitting a corresponding signed message, said device comprising: an antenna for receiving and transmitting messages (see Jonstromer: Fig. 2, element 8); a display for displaying a message (see Jonstromer: Fig. 2, element 6); input apparatus for accepting input from a user indicating the received message is to be signed (i.e. user enters his PIN to activate SIM functionality such as signing, see Jonstromer, col. 1, lines 33-38); and memory for storing an algorithm for generating a corresponding signed message (i.e. chipcard with memory acts as a SIM for the mobile phone, SIM carries a variety of information including asymmetric ciphers, keys for encryption and electronic signing, see Jonstromer: col. 1, lines 28-44). Jonstromer is silent on the capability of a wireless device receiving a received message via an antenna to be displayed on a display. Falk is relied on for the teaching of having a wireless device receiving a message from a telephone network via an antenna (i.e. the bank transmits a challenge code (i.e. the challenge code is unique to a given transaction, see Falk: col. 4, lines 46-48, so it directly ties to user's account number in a

Art Unit: 2137

given transaction) to a personal unit associated with user's radio telephone terminal (i.e. see Falk: Fig. 1, element 20; the personal unit can be used with a radio telephone without any modification or customization, see Falk: col. 2, lines 22-26, the personal unit includes a display unit, see Falk: col. 4, lines 1-8, an algorithm unit, see Falk: Fig. 2, element 21b, which calculates a response code based on the received challenge code, see Falk: col. 4, lines 62-64, the response code is unique to a given transaction and is used to authorize service to user). It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of having the message to be signed which is received by the mobile telephone via a telephone network in the system of Jonstromer, as Falk teaches, so as to provide a flexible way of sending messages to be signed rather than manually entering data to the phone system for signing, therefore making automation is more effective (see Falk: col. 4, lines 38-45).

ad) As to claim 47, the combination of Jonstromer and Falk discloses the wireless device of claim 46 wherein the wireless device is a mobile radio telephone (see Jonstromer: Fig. 1, element 4).

ae) As to claim 48, the combination of Jonstromer and Falk discloses the wireless device of claim 46 wherein said memory for storing an algorithm is located within a chip card of said wireless device (i.e. an algorithm is located within a SIM, which is in the form of a chip card, see Jonstromer: col. 1, lines 28-44).

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 571-272-3873.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 2137

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


mdn
6/8/07


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER